

## MEMORANDUM

**To:** Jordan Milholland  
**From:** Scott M. Schultz, Executive Director  
**Date:** February 20, 2020  
**Re:** Felony Possession of Marijuana – 3<sup>rd</sup> or subsequent conviction reduced to class A misdemeanor

As part of the discussion in House Corrections and Juvenile Justice Committee during its hearing of 2019 HB 2686 on February 19, 2020, a request was made to update a Sentencing Commission memorandum dated September 19, 2018. This is the update to the memo with FY 2019 data.

### FINDINGS

- According to KSSC data, in FY 2019 there were **161** convictions for the crime of 3<sup>rd</sup> or subsequent possession of marijuana. Of this number:
  - **18** (11.2%) were sentenced to prison;
  - **90** (55.9%) were sentenced to probation;
  - **53** (32.9%) were sentenced to SB 123 mandatory drug treatment programs; and
  - **56** offenders had a special rule applicable to the sentence, 26 with the 3<sup>rd</sup> or subsequent drug conviction.
  
- According to the KSSC FY 2019 probation revocation data file, **4** probation condition violators were convicted of the 3<sup>rd</sup> possession of marijuana:
  - 1 received a probation extension
  - 2 received a county jail sanction
  - 1 received a 180-day prison sanction
  
- According to KDOC FY 2019 admission file, **6** offenders were admitted to prison:
  - 3 new court commitments;
  - 1 probation condition violator;
  - 2 probation violators with a new conviction.
    - The average prison sentence was 11 months

### IMPACT ASSESSMENT

- This proposal will reduce prison admissions by **6** in FY 2021 and by **7** in FY 2030.
- This proposal will reduce prison beds by **5** in both FY 2021 and 2030.
- This proposal will reduce the cost of SB 123 drug treatment program by **\$166,579** based on the average cost of **\$3,143** per SB 123 treatment offender in FY 2019.
- This proposal would reduce the Sentencing Commission’s journal entry workload by 163 in FY 2021 and by 178 in FY 2030.